

CNE-PES-MidAm Responses to ComEd Questions (dated 11/30/06)
Regarding Proposed Changes to GAA Structure
GAA-EDI Workshops

Background

ComEd allows customers to authorize agents to (1) receive their ComEd bills and other correspondence from ComEd; and/or (2) analyze and elect energy supply options on their behalf. An “agent” may be an energy consultant or advisor, relative, or a RES. As such, we did not invent the types of Agency that have developed and do not seek an expansion of existing agency authority. Rather, we ask that ComEd revise current practices and the Company’s GAA form to include an effective date and acknowledge these 2 different functions.

During the course of the recent ComEd delivery services rate proceeding, ComEd’s own witness acknowledged that customers typically switch Agents when they change suppliers, and that customers appear to prefer that one entity receive bills and other communications and authorize another entity to analyze and select supply options on their behalf. Furthermore, myriad stakeholders, including ComEd and the ICC Staff, have noted customers’ growing reliance on Agents and the variety of services they perform on behalf of customers.

To further explain the CES proposal that is the subject of this workshop, a customer may authorize a Decision-Making Agent and a Billing Agent to conduct two (2) distinct functions. At a subsequent time, said customer may also designate a Decision-Making Agent, Billing Agent, or both, for a future time period. Said customer’s future Agents would be prohibited from performing their respective duties until the effective date(s) of the GAA form. Upon the effective date, the future Decision-Making Agent would be authorized to make tariff service decisions and Billing Agents would have access to certain prospective billing-related information. Since said customer authorized these new Agents, the previous Agents would be prohibited from obtaining or reviewing any prospective account information. In the event that ComEd, the customer, or the previous Agent(s) discover a billing error or discrepancy that occurred during the period in which the customer authorized the previous Agent(s) to act on its behalf, pursuant to the Order adopted in ICC Docket No. 05-0597, the previous Agent(s) would be permitted limited access to the customer’s past account information in order to resolve the matter. The previous Agent(s) would not obtain current or prospective information because the customer authorized a different entity to do so.

It appears that Ameren’s processes and methods of administering the customer-agent relationship seems to address many of ComEd’s questions; furthermore, Ameren’s way comports with the CES’ GAA proposal and recommendations as outlined in this document. Lastly, we note that our recommendations comport with ComEd’s current practices, as well.

Questions for RESs:

1. Are just two types of agency structures – the so-called “Decision-making” and “Billing Agents” – being proposed by RESs?¹ If not, please identify and define the authority and abilities of any others.

Response: Yes.

2. Please define the full authority and abilities of a Decision-making Agent. In so doing, please address the following:
 - a. Can such an agent make a ComEd tariffed rate selection and/or sign a contract on behalf of a customer?

Response: Yes. Decision-Making Agents perform any action with respect to making decisions regarding a customer’s electric service. These may include initiating service changes, selecting various tariffed services from the utility, selecting a meter service provider, or making other tariff decisions, including selecting to take service from a retail electric supplier (“RES”). Decision-Making Agents are also authorized to sign relevant contracts applicable to effectuating the services just mentioned.

- b. What information can a Decision-making agent have access to through the Care Center?

Response: Decision-Making Agents that execute a GAA form would have access to the same information that the customer itself can access, with the exception of matters related to disconnection and reconnection of service, credit issues, and matters pertaining to requests for duplicate bills.

- c. Does a Decision-making Agent have access to customer billing information?

Response: No. We do not anticipate that a Decision-Making Agent would have such access.

- d. Can a Decision-making Agent establish a separate Billing Agent or terminate an existing Billing Agent relationship on the customer’s behalf?

Response: No.

3. Please define the full authority and abilities of a Billing Agent. In so doing, please address the following:

¹ In these questions, the term “agency,” and any derivatives thereof, are not used within the strict legal meaning of the term. Rather, ComEd uses this term and its derivatives loosely to describe the types of relationships contemplated in the RES’ proposals, as it understands them.

- a. Can such an agent receive a paper bill?

Response: Yes.

- b. Can such an agent enroll or cancel enrollment in e-bill?

Response: Yes.

- c. What if a customer is with an SBO supplier?

Response: If the customer is served by a RES that is certified by the ICC to provide SBO services, said customer would be precluded from authorizing an entity different from the RES utilizing the SBO to be the Billing Agent.

- d. What information can such an agent have access to through the Care Center?

Response: Billing Agents that execute the GAA form would have access to the same information that the customer itself can access, with the exception of matters related to disconnection and reconnection of service and credit issues.

- e. Can such an agent break a summary billing relationship?

Response: Yes. If the customer has the authority to break a summary billing relationship, the Billing Agent could do the same.

4. If effective dates are used for the above agency relationships, what can the agents do before the effective date?

Response: Prior to the effective date for the two (2) distinct types of agency relationship, agents could not take any actions. Since the purpose of the introduction of an agency relationship is to effectuate the customer's desire to allow a third-party to "step into the customer's shoes," agents would be prohibited from acting until the effective date of the GAA form.

5. How far into the future can an effective date for agency be set?

Response: A reasonable timeframe could be no more than 45 days prior to the effective date and no less than 7 days prior to the effective date. It is well worth noting that we selected these timeframes because they comport with the timing associated with the submission of Direct Access Service Requests ("DASRs").

6. With effective dates, can there be more than two Decision-Making Agent and/or more than two Billing Agents identified at any given point in time (e.g., the current agent and two or more pending agents)?

Response: If properly administered, no more than one Decision-Making Agent or one Billing Agent will be authorized to act on the customer's behalf at the same point in time. However, use of the effective date and the timeframes outlined, as described in our Response to Question 5, it is reasonable to have 1 "current" and 1 "pending" Decision-Making Agent and/or 1 "current" and 1 "pending" Billing Agent. Again, the existence of "current" and "pending" RESs is routinely recognized via the use of DASRs and the EDI protocol.

7. What if conflicting paperwork for an agency relationship is received? For example, what would happen if a Billing Agency form is submitted to ComEd in June with an August effective date, and subsequently, a form is filed in July with the same August effective date or an earlier date for a different agent?

Response: We recommend zero (0) changes to ComEd's current practice regarding the processing of GAA forms. Under the example posed above, the July submission of the paperwork, as the "last in," would become the Agent of record on the August effective date.

8. If ComEd had a limit of one current and one pending, how would the above be handled?

Response: If ComEd imposed such a limit, then the example in Question 7 would be handled in the same manner. Alternatively, ComEd should consider whether to continue to allow (or require) for the submission of an Agency Termination Form to cancel an existing agency relationship.

9. How does a customer (or agent, if applicable) terminate each of these relationships?

Response: As discussed above in Response to Questions 7 & 8, ComEd's current practices remain intact. It is our understanding that ComEd's current practices provide customers with two (2) ways by which customers can terminate agency relationships. First, customers can contact their respective ComEd account representative and request such a termination. Second, utilization of the Agency Termination Form suffices. We do not favor or prefer one option over the other as long as the current agent is informed of the termination. Additionally, if ComEd requires that the Agency Termination Form MUST be submitted to cancel an existing agency relationship, ComEd should allow for electronic submission of such Agency Termination Form.